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**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)
Against:)

WESLEY K.W. YOUNG, M.D.)

File No. 20-1999-104893

Physician's and Surgeon's)
Certificate No. G-42275)

Respondent)
_____)


DECISION

The attached Stipulation for Surrender of License is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 6, 2000.

IT IS SO ORDERED June 29, 2000.

MEDICAL BOARD OF CALIFORNIA

By: 
IRA LUBELL, M.D.
Chair, Panel A
Division of Medical Quality

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL
Supervising Deputy Attorney General
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P. O. Box 944255
Sacramento, California 94244-2550
Telephone: (916) 324-5336

Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

WESLEY K.W. YOUNG, M.D.
3288 Moanalua Road
Honolulu, HI 96819

Physician and Surgeon's
Certificate No. G 42275,
Respondent.

Case No. 20-1999-104893

STIPULATION FOR
SURRENDER OF LICENSE

IT IS HEREBY STIPULATED AND AGREED by and between the
parties to the above-entitled proceedings, that the following
matters are true:

1. Complainant, Ronald Joseph, is the Executive
Director of the Medical Board of California, Department of
Consumer Affairs ("Board") and is represented by Bill Lockyer,
Attorney General of the State of California by Gail M. Heppell,
Supervising Deputy Attorney General.
2. Wesley K.W. Young, M.D. (hereinafter "respondent")

1 is representing himself in this matter. Respondent has carefully
2 read this stipulation.

3 3. Respondent has received and read the Accusation
4 which is presently on file and pending in Case Number 20-1999-
5 104893 before the Board, a copy of which is attached as Exhibit A
6 and incorporated herein by reference.

7 4. Respondent understands the nature of the charges
8 alleged in the Accusation and that, if proven at hearing, such
9 charges and allegations would constitute cause for imposing
10 discipline upon respondent's license issued by the Board.

11 5. Respondent is aware of each of his rights,
12 including the right to a hearing on the charges and allegations,
13 the right to confront and cross-examine witnesses who would
14 testify against respondent, the right to testify and present
15 evidence on his own behalf, as well as to the issuance of
16 subpoenas to compel the attendance of witnesses and the
17 production of documents, the right to contest the charges and
18 allegations, and other rights which are accorded respondent
19 pursuant to the California Administrative Procedure Act (Gov.
20 Code, § 11500 et seq.) and other applicable laws, including the
21 right to seek reconsideration, review by the superior court, and
22 appellate review.

23 6. In order to avoid the expense and uncertainty of a
24 hearing, respondent freely and voluntarily waives each and every
25 one of these rights set forth above and admits the truth of the
26 allegations contained in Accusation No. 20-1999-104893.
27 Respondent agrees that cause exists to discipline his physician

1 and surgeon's license pursuant to Business and Professions Code
2 section 2236, and hereby surrenders his license for the Board's
3 formal acceptance.

4 7. Respondent understands that by signing this
5 stipulation he is enabling the Medical Board of California to
6 issue its order accepting the surrender of his license without
7 further process. He understands and agrees that Board staff and
8 counsel for complainant may communicate directly with the Board
9 regarding this stipulation, without notice to or participation by
10 respondent. In the event that this stipulation is rejected for
11 any reason by the Board, it will be of no force or effect for
12 either party. The Board will not be disqualified from further
13 action in this matter by virtue of its consideration of this
14 stipulation.

15 8. Upon acceptance of the stipulation by the Board,
16 respondent understands that he will no longer be permitted to
17 practice as a physician and surgeon in California, and also
18 agrees to surrender and cause to be delivered to the Board both
19 his license and wallet certificate before the effective date of
20 the decision.

21 9. Respondent fully understands and agrees that if he
22 ever files an application for relicensure or reinstatement in the
23 State of California, the Board shall treat it as a petition for
24 reinstatement, the respondent must comply with all the laws,
25 regulations and procedures for reinstatement of a revoked license
26 in effect at the time the petition is filed.

27 10. Respondent understands that he may not petition

1 for reinstatement as a physician and surgeon for a period of
2 three (3) years from the effective date of his surrender.
3 Information gathered in connection with Accusation number 20-
4 1999-104893 may be considered by the Division of Medical Quality
5 in determining whether or not to grant the petition for
6 reinstatement. For the purposes for the reinstatement hearing,
7 the allegations in Accusation number 20-1999-104893 shall be
8 deemed to be admitted by respondent, and respondent waives any
9 all defenses based on a claim of laches.

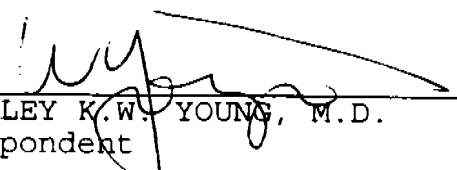
10 11. All recitals contained in this stipulation are
11 made solely for the purpose of settlement in this proceeding and
12 for any other proceedings in which the Medical Board of
13 California or other professional licensing agency is involved,
14 and shall not be admissible in any other criminal or civil
15 proceedings.

16 17 ACCEPTANCE

18 I, Wesley K.W. Young, M.D., have carefully read the
19 above stipulation and enter into it freely and voluntarily and
20 with full knowledge of its force and effect, do hereby surrender
21 my Physician and Surgeon's Certificate No. G 42275, to the
22 Division of Medical Quality, Medical Board of California for its
23 formal acceptance. By signing this stipulation to surrender my
24 license, I recognize that upon its formal acceptance by the
25 Board, I will lose all rights and privileges to practice as a
26 physician and surgeon in the State of California and I also will
27 cause to be delivered to the Board both my license and wallet

1 certificate before the effective date of the decision.

2 DATED: 5/1/00.

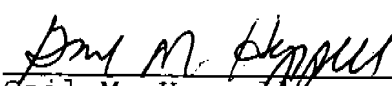
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4 
5 WESLEY K.W. YOUNG, M.D.
6 Respondent

7
8 ENDORSEMENT

9 I concur in the stipulation.

10 DATED: 5/17/00.

11
12 BILL LOCKYER, Attorney General
13 of the State of California

14 
15 Gail M. Heppell
16 Supervising Deputy Attorney General
17 Attorneys for Complainant

1 RUSSELL L. HOM SBN99346
2 Law Offices of Russell L. Hom
3 980 Ninth Street, Suite 1400
4 Sacramento, CA 95814
5 916 448-0800

6 Attorney for Respondent
7 WESLEY K.W. YOUNG

8 BEFORE THE DIVISION OF MEDICAL QUALITY
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
11 STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No.: 20-1999-104893

13 WESLEY K.W. YOUNG, M.D.,
14 P.O. Box 999
15 Aiea, HI 96701

ATTACHMENT TO
STIPULATION

16 Physician and Surgeon's Certificate No. G42275

Respondent. /

17 I, RUSSELL L. HOM, am the attorney of record for the above named respondent and
18 have reviewed the document entitled "Stipulation For Surrender of License." I have reviewed
19 and discussed the contents of the stipulation and its effect with respondent.

20 I concur in the stipulation.

21 Dated: May 17, 2000

22 
23 RUSSELL L. HOM
24 Attorney for Respondent
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27
28

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 1300 I Street, Suite 125
P. O. Box 944255
4 Sacramento, California 94244-2550
Telephone: (916) 324-5336
5 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO March 8 2000
BY [Signature] ANALYST

7 BEFORE THE
8 DIVISION OF MEDICAL QUALITY
9 MEDICAL BOARD OF CALIFORNIA
10 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
Against:)

Case No. 20-1999-104893

12 WESLEY K.W. YOUNG, M.D.,)
13 3288 Moanalua Road)
Honolulu, HI 96819)

ACCUSATION

14 Physician and Surgeon's)
15 Certificate No. G 42275)

16 Respondent.)
17

18
19 The Complainant alleges:

20 PARTIES

21 1. Complainant, Ronald Joseph, is the Executive
22 Director of the Medical Board of California (hereinafter the
23 "Board") and brings this accusation solely in his official
24 capacity.

25 2. On or about July 1, 1980, Physician and Surgeon's
26 Certificate No. G 42275 was issued by the Board to Wesley K.W.
27 Young, M.D. (hereinafter "respondent"). Said certificate is

1 delinquent with an expiration date of August 31, 1999.

2 **JURISDICTION**

3 3. This accusation is brought before the Division of
4 Medical Quality of the Medical Board of California, Department of
5 Consumer Affairs (hereinafter the "Division"), under the
6 authority of the following sections of the California Business
7 and Professions Code (hereinafter "Code") and/or other relevant
8 statutory enactment:

9 A. Section 2227 of the Code provides in part that the
10 Board may revoke, suspend for a period of not to exceed one
11 year, or place on probation, the license of any licensee who
12 has been found guilty under the Medical Practice Act, and
13 may recover the costs of probation monitoring if probation
14 is imposed.

15 B. Section 125.3 of the Code provides, in part, that
16 the Board may request the administrative law judge to direct
17 any licentiate found to have committed a violation or
18 violations of the licensing act, to pay the Board a sum not
19 to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 C. Section 118(b) of the Code provides, in part,
22 that suspension, expiration, or forfeiture by operation
23 of law of a license issued by a board in the department,
24 or its surrender without written consent of the board
25 shall not, during any period in which it may be renewed,
26 restored, reissued, or reinstated, deprive the board of
27 its authority to institute or continue a disciplinary

1 proceeding against a licensee.

2 D. Section 2236 of the Code provides in part that
3 conviction of any offense substantially related to the
4 qualifications, functions, and duties of a physician and
5 surgeon constitute unprofessional conduct.

6 E. Section 14124.12(a) of the Welfare & Institutions
7 Code provides in pertinent part that upon written notice of
8 the Medical Board of California a physician and surgeon's
9 medical license has been placed on probation as a result of
10 a disciplinary action, no Medi-Cal claim for the type of
11 surgical service or invasive procedure giving rise to the
12 probationary order and performed on or after the effective
13 date of said probationary order or during the period of
14 probation shall be reimbursed, except upon a prior
15 determination that compelling circumstances warrant the
16 continuance of reimbursement during the probationary period
17 for procedures other than those giving rise to the
18 probationary order.

19 4. Respondent is subject to discipline and is guilty
20 of unprofessional conduct within the meaning of section 2236 as
21 more particularly set forth hereinbelow.

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Conviction of a Crime)

24 5. Respondent is subject to disciplinary action under
25 section 2236 of the Business and Professions Code in that on or
26 about December 11, 1998, in a case entitled State of Hawaii v.
27 Wesley Young, in the Circuit Court of the First Circuit, State of

1 Hawaii, Cr. No. 98-2144, respondent pled guilty to one count of
2 sexual assault in the third degree. In the plea agreement,
3 respondent stated that on or about April 19, 1998, he knowingly
4 placed his hand on the vagina of a female who was less than
5 fourteen (14) years old at the time. On December 21, 1998,
6 respondent was sentenced to five (5) years probation with terms
7 and conditions.

8 PRAYER

9 WHEREFORE, the complainant requests that a hearing be
10 held on the matters herein alleged, and that following the
11 hearing, the Division issue a decision:

12 1. Revoking or suspending Physician and Surgeon's
13 Certificate Number G 42275, heretofore issued to respondent
14 Wesley K.W. Young, M.D.;

15 2. Revoking, suspending or denying approval of the
16 respondent's authority to supervise physician assistants,
17 pursuant to Code section 3527;

18 3. Ordering respondent to pay the Division the actual
19 and reasonable costs of the investigation and enforcement of this
20 case and to pay the costs of probation monitoring upon order of
21 the Division; and

22 ///

23 ///

24 ///


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26 ///

27 ///

1 4. Taking such other and further action as the
2 Division deems necessary and proper.

3 DATED: March 8, 2000
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5 
6 RONALD JOSEPH
7 Executive Director
8 Medical Board of California
9 Department of Consumer Affairs
10 State of California

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Complainant